

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Community Road, 135' S of
the c/l of Harewood Road
(12932 Community Road)
15th Election District
5th Councilmanic District
Mathew F. Edwards, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-395-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Mathew F. and Lisa N. Edwards. The Petitioners request relief from Section 1802.3.C.1 to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for an attached garage, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-121 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It is to be noted that this property is located within the Chesapeake Bay Critical Areas and as such, is subject to review by the Department of Environmental Protection and Resource Management (DEPRM) as to the proposed development's compliance with critical areas legislation. The relief granted herein is contingent upon Petitioners submitting a findings plan for review and approval by DEPRM prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for an attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) upon completion of their review. Prior to the issuance of any permits, Petitioners shall submit a findings plan for review and approval by DEPRM.
- 3) Petitioners shall not allow or cause the proposed garage to be converted for use as a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 21, 1993

(410) 887-4386

Mr. & Mrs. Mathew F. Edwards
12932 Community Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Community Road, 135' S of the c/l of Harewood Road
(12932 Community Road)
15th Election District - 5th Councilmanic District
Mathew F. Edwards, et ux - Petitioners
Case No. 93-395-A

Dear Mr. & Mrs. Edwards:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21404

DEPRM

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 6/21/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/21/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/21/93
By [Signature]

- 2 -

- 3 -



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12932 Community Rd., 21220
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a side yard setback (for an attached garage) of 3 ft. in lieu of the minimum required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Desired home has attached garage. The lot is too narrow to allow 10' set back on one side. Homeowner wishes to remove the shed that is 15' from property line and build garage at 2.5' from the line.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)
Legal Owner(s):
Type or Print Name: LISA N. EDWARDS
Signature: [Signature]
Address: 12932 Community Rd.
City: Baltimore State: MD Zipcode: 21220
Attorney for Petitioner:
Type or Print Name: Matthew F. Edwards
Signature: [Signature]
Address: 12932 Community Rd.
City: Baltimore State: MD Zipcode: 21220
Name, Address and phone number of representative to be contacted:
Matthew Edwards
Address: 12932 Community Rd.
City: Baltimore State: MD Zipcode: 410-335-4533

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

APPROVED BY: [Signature] DATE: 5-11-93
ESTIMATED FILING DATE: 5-30-93

ITEM #: 406

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 12932 Community Rd.
Baltimore MD 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Desired home has attached garage. The lot is too narrow to allow a 10' set back on one side. Homeowner wishes to remove shed that is 15' from property line and build garage at 2.5' from line.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

[Signature]
Matthew F. Edwards
Type or Print Name: LISA N. EDWARDS
Signature: [Signature]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 10th day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
5/10/93

My Commission Expires:

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 31, 1996

ZONING DESCRIPTION FOR 12932 COMMUNITY ROAD
Election District 15 Councilmanic District 5

Beginning at a point on the west side of Community Road which is 75 feet wide at a distance of 135 feet south of the centerline of the nearest improved intersecting street, Harewood Park Drive, which is 30 feet wide. Being Lot# 99, 100, and 101 in the subdivision of Harewood Park as recorded in Baltimore County Plat Book #WPC7, Folio #131, containing 0.30 acres (13050 square ft).

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 5/27/93
Posted for: Variance
Petitioner: Lisa N. Edwards
Location of property: 12932 Community Rd. (W/S 135' S/Harewood Rd.)
Location of Sign: Backyard, 200' S of property line
Remarks:
Posted by: Matthew F. Edwards Date of return: 5/28/93
Number of Signs: 1

receipt
93-395-A
Account: 7-001-6150

Date: 5-93 Item Number: 406
Owner: Matthew F. Edwards Taken in by: [Signature]
Site: 12932 Community Rd. (21220)
#010 Variance \$50.00
#080 Sign & posting 35.00
TOTAL \$85.00

Please Make Checks Payable To: Baltimore County
Cashier Validation

June 4, 1993

Mr. and Mrs. Matthew F. Edwards
12932 Community Road
Baltimore, MD 21220

RE: Case No. 93-395-A, Item No. 406
Petitioner: Matthew F. Edwards, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Edwards:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 11, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: June 4, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:hck

Enclosures

O. James Lighthizer
Secretary
Hsi Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 93-395-A

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0481 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: May 26, 1993

FROM: Captain Jerry Pfeifer
Fire Department

SUBJECT: Comments for 06/01/93 Meeting

Item 371	No Comments
Item 406	No Comments
Item 407	No Comments
Item 408	No Comments
Item 409	No Comments
Item 410	Building shall be built in accordance with the 1991 Life Safety Code.
Item 411	No Comments
Item 412	No Comments
Item 413	No Comments
Item 415	If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

JP/dmc

RECEIVED
MAY 27 1993
ZADM

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 12932 Community Road

INFORMATION:

Item Number: 406 93-395-A

Petitioner: Lisa N. Edwards and Matthew R. Edwards

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: Jeffery W. Ly

Division Chief: Gary L. Kuma

PK/JL:lw

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

June 15, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #406, Edwards Property
12932 Community Road
Zoning Advisory Committee Meeting of May 24, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant may contact the Environmental Impact Review of the Department at 887-3980 for details.

JLP:KK:sp

EDWARDS/TXTSBP

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: July 1, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 406 93-395-A
Edwards Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 12932 Community Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Matthew and Lisa Edwards

APPLICANT PROPOSAL

The applicant has requested a variance from section 18023.C.1 of the Baltimore County Zoning Regulations to permit a 2.5' setback in lieu of the required 10' setback. The existing shed that is 1.5' from the property line will be removed.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" (COMAR 14.15.10.01.02).

RECEIVED
JUL 2 1993
ZADM

Mr. Arnold E. Jablon
July 1, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Section 26-449(a)).

Finding: This property is located adjacent to the tidal waters of Bird River. The existing house is approximately 73' from the mean high water allowing a buffer of approximately 73' to be established.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" (Baltimore County Code, Section 26-447).

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" (Baltimore County Code, Section 26-543(e)(1)).

Finding: The amount of impervious areas shall not exceed 3,262 square feet or 25% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. Current impervious areas total approximately 1,347 square feet or 10% of the lot.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Section 26-453(h)(2)).

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, to encourage maximum infiltration (see attached information). These measures will ensure that the requirements of this regulation are met.

Mr. Arnold E. Jablon
July 1, 1993
Page 3

5. **Regulation:** "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15% <COMAR 14.15.02.04 c.(5)(e)>."
- Finding:** The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

James D. Ditt
James D. Ditt, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:tm

Enclosure

cc: Mr. Matthew Edwards
12932 Community Road
Baltimore, Maryland 21220

EDWARDS/MQCBCA

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 20, 1993 (410) 887-3353

Liam and Matthew Edwards
12932 Community Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 93-395-A (Item 406)
12932 Community Road
W/S Community Road, 135' S of c/l Harwood Road
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before May 30, 1993. The closing date (June 14, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

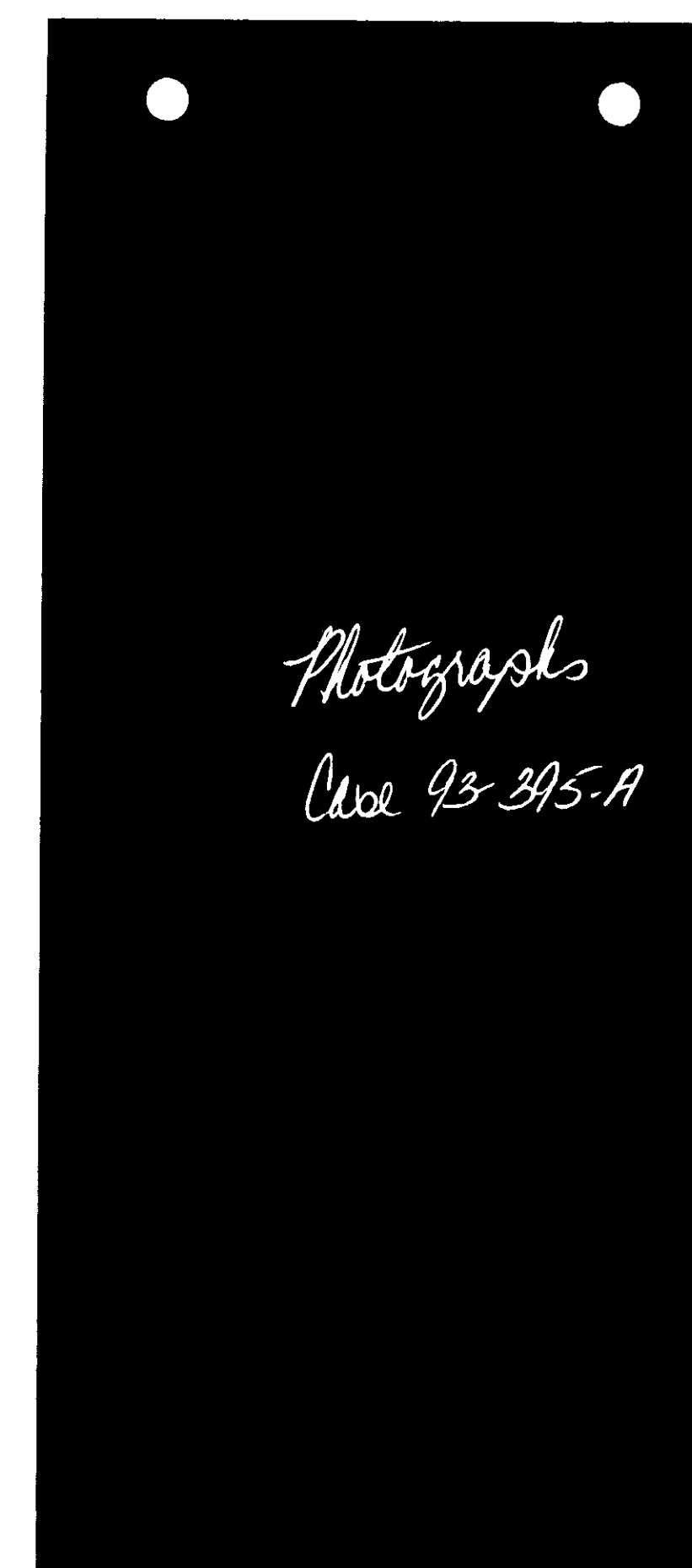
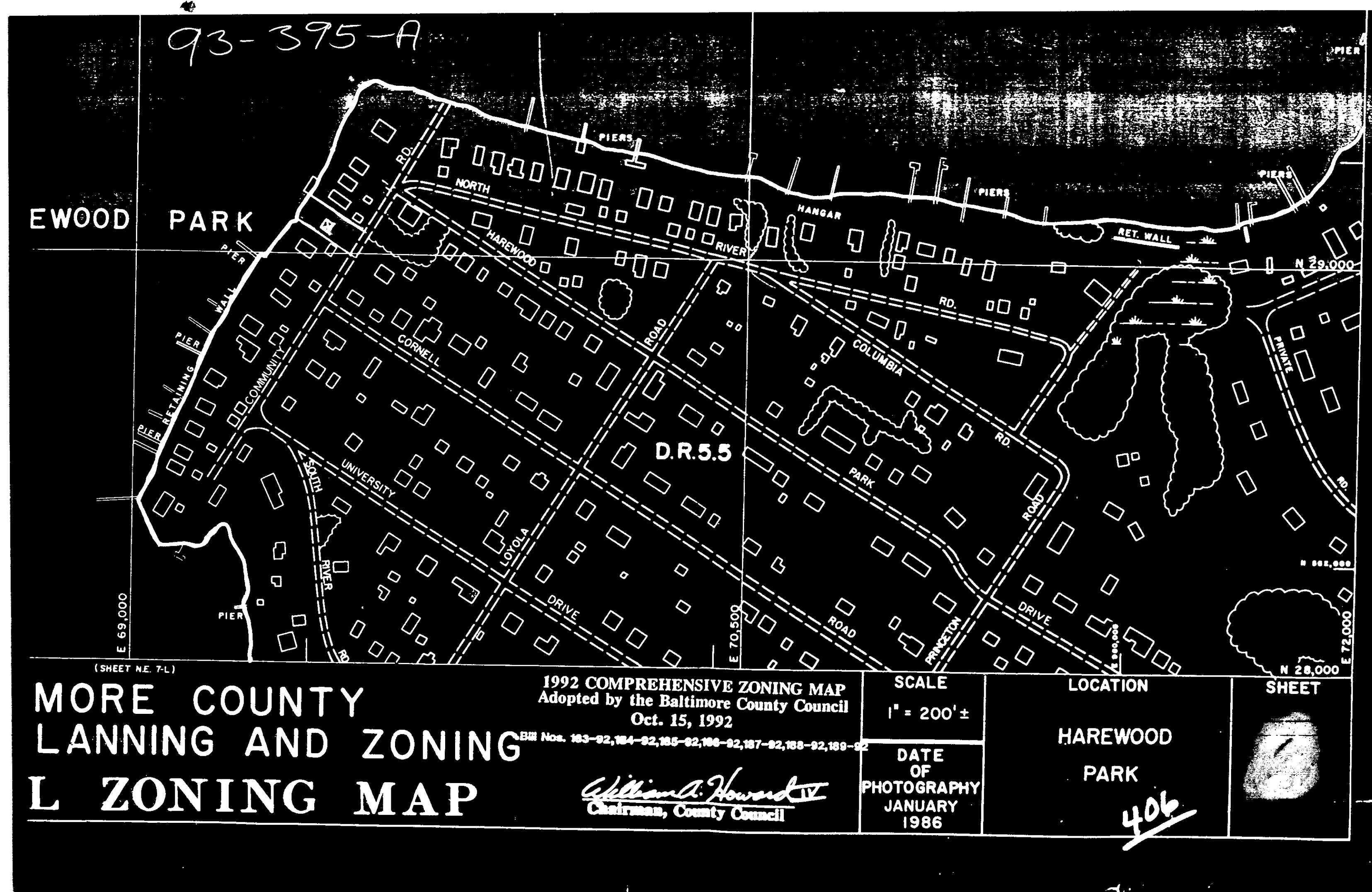
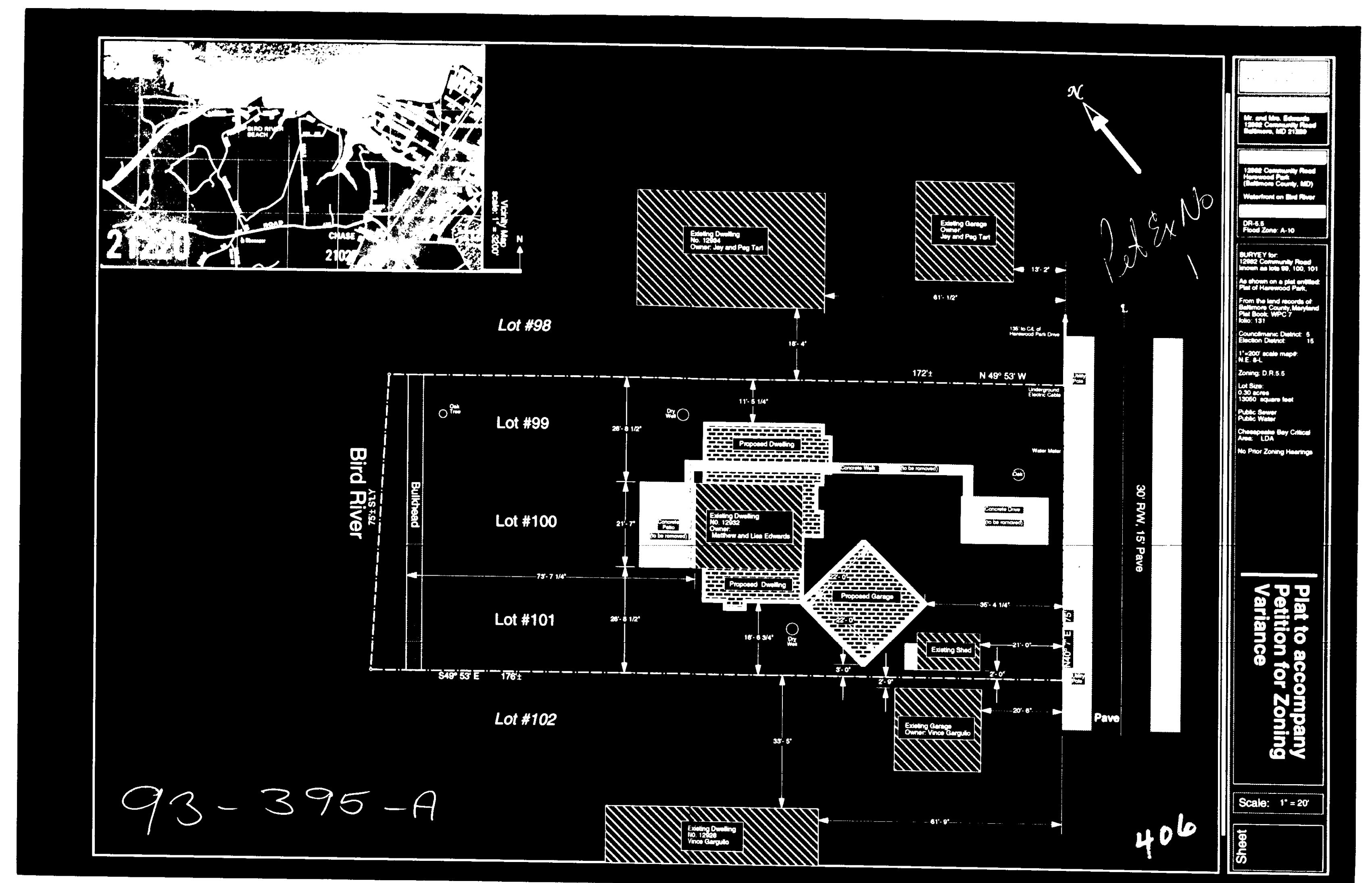
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commission), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

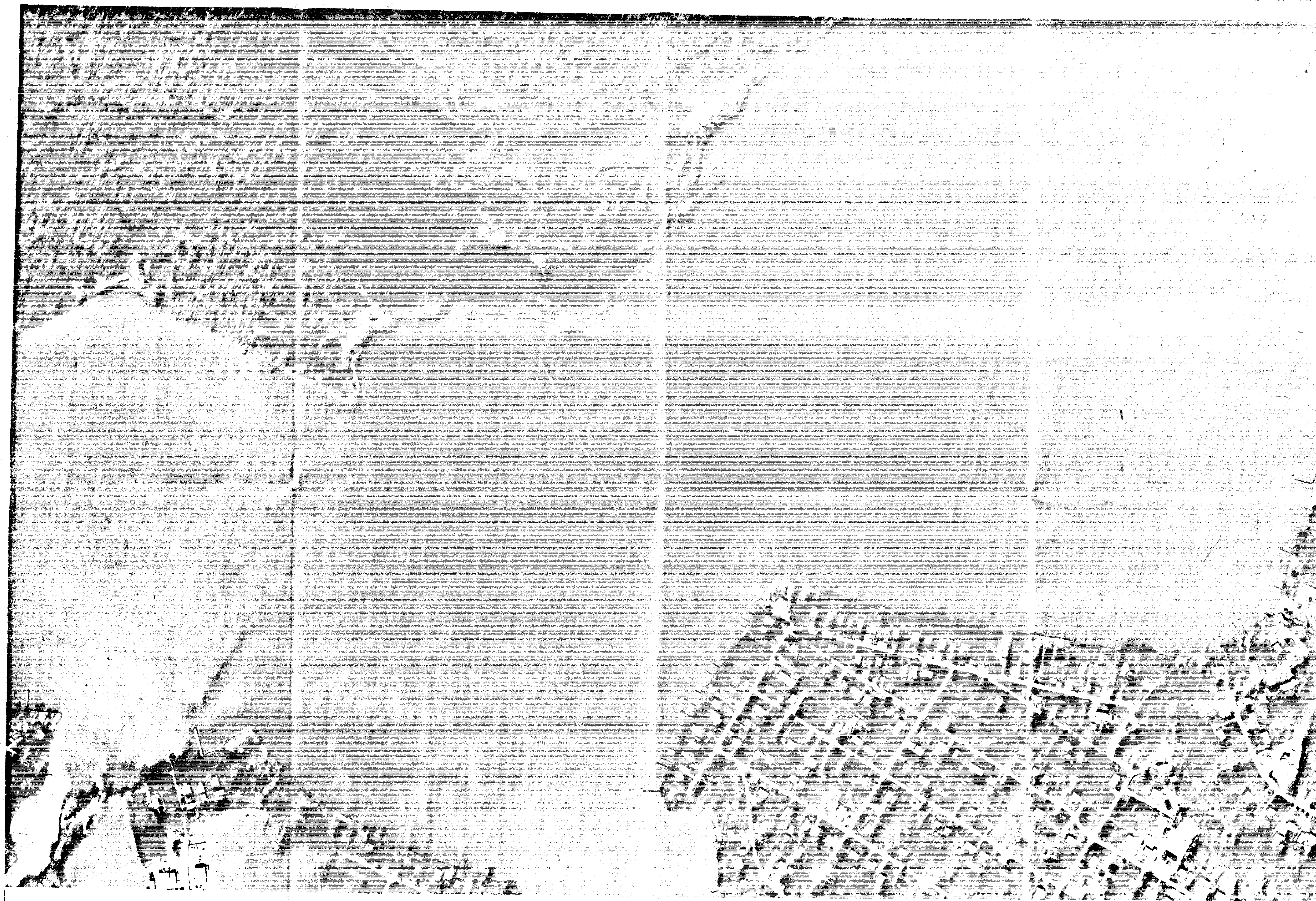
Carl J. Jablon
Arnold Jablon
Director

Printed on Recycled Paper



93-395-A

406



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MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HAREWOOD PARK

SHEET
N.E.
8-L